

REMARKS

This Amendment is submitted in response to the Office Action mailed June 2, 2004 (Paper No. 20040527). By the foregoing amendment, claims 1 and 3 were amended to recite that the content of the organic dye is 87.0 to 98.0 % by weight based on the total amount of the organic dye and the organic solvent in the organic dye layer. Support for this amendment can be found variously throughout the specification, for example, original claims 1 and 3. More specifically, Original claims 1 and 3 recite an organic solvent in the organic dye layer in an amount of 2 to 15% by weight based on an organic dye. Namely, the organic dye layer contains 100 parts by weight of the organic dye and 2 to 15 parts by weight of the organic solvent.

Organic dye	Organic solvent	The total amount of organic dye and organic solvent
100	2 to 15	102 to 115

When the content of the organic solvent is 2 parts by weight, the content of the organic dye is $(100/102 \times 100) = 98\%$ by weight based on the total amount of the organic dye and the organic solvent in the organic dye layer.

When the content of the organic solvent is 15 parts by weight, the content of the organic dye is $(100/115 \times 100) = 87\%$ by weight based on the total amount of the organic dye and the organic solvent in the organic dye layer.

Accordingly, no new matter was added. Claims 1 and 3 are currently pending in this application, with claims 1 and 3 being independent.

Interview Summary

Applicant's Representative conducted a telephonic interview with the examiner on August 25, 2004. The above claim amendments were discussed, and it was agreed that these claim amendments would likely overcome the pending rejections. Support for the claim amendments was discussed, and the examiner requested that the calculation be shown. The calculation is for determining weight percent value is known in the art, and is discussed above. Accordingly, no prohibited new matter was introduced. Applicant affirms the Interview Summary Record submitted by the examiner, except the percentage values should read "eighty

seven to ninety eight percent.” Applicants Representative thanks the examiner for the courtesies extended during the Interview.

Rejections Under 35 USC 103

Claims 1 and 3-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,952,073 to Hurditch et al. Applicants respectfully traverse this rejection.

Claim 1 recites a process for producing an optical recording medium containing an organic solvent in an organic dye layer in an amount of 2 to 15% by weight based on an organic dye, wherein the content of the organic dye is 87.0 to 98.0 % by weight based on the total amount of the organic dye and the organic solvent in the organic dye layer, the process comprising applying a solution, prepared by dissolving the organic dye in the organic solvent, onto a light-transmittable substrate by a spin coating method to form the organic dye layer, thereafter forming a reflecting layer on the organic dye layer without performing a drying treatment of the organic solvent left in the organic dye layer and further forming a protective layer on the reflecting layer, wherein the spin coating is performed at a rotating speed of 3500 rpm or more in the formation of the organic dye layer, and wherein said organic solvent is at least one member selected from the group consisting of 2,2,3,3-tetrafluoro-1-propanol, 2-ethoxyethanol and diacetone alcohol.

Claim 3 recites an optical recording medium having an organic dye layer, a reflecting layer and a protective layer in this order on a light-transmittable substrate, the optical recording medium containing an organic solvent in the organic dye layer in an amount of 2 to 15% by weight based on an organic dye, wherein the content of the organic dye is 87.0 to 98.0 % by weight based on the total amount of the organic dye and the organic solvent in the organic dye layer, and wherein said organic solvent is at least one member selected from the group consisting of 2,2,3,3-tetrafluoro-1-propanol, 2-ethoxyethanol and diacetone alcohol.

As discussed during the Personal Interview, Hurditch et al. '073 discloses values that are for the coating solution for forming the recording layer. That is, a concentration of the total solid components in the range of 2-10% by weight in the coating solution for forming the recording layer. See col. 10, lines 26-29. That is, in the coating solution, the content of the total solids component is at most 10% by weight.

In contrast, claims 1 and 3 recite a content of the organic solvent 2-15% by weight based on the organic dye in the organic dye layer. That is, as discussed above, the content of the organic dye is 87.0 to 98.0 % by weight based on the total amount of the organic dye and the organic solvent in the organic dye layer,


As all of the elements of claims 1 and 3 have not been shown, a prima facie case of obviousness is not present. Accordingly, withdrawal of the rejections is respectfully requested.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. OKA-0003 from which the undersigned is authorized to draw.

Dated: September 2, 2004

Respectfully submitted,

By 

David T. Nikaido

Registration No.: 22,663

Robert S. Green

Registration No.: 41,800

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorneys for Applicant